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Superior Court of California
County of Los Angeles

APR 20 2017

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By: Christa Robinson, Deputy

Attorneys for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 6 5 8 6 5 3

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

EL SEGUNDO INVESTMENTS, LLC, a California
limited liability corporation; MEHRDAD ELAHI
KHANSARI, an individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No.:

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[CIVIL CODE SECTION 3479 ET
SEQ.; BUS. & PROF. CODE
SECTION 17200 ET SEQ.]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating a volatile and dangerous gang-related public nuisance that exists at a 40-unit apartment building located at 12633 South Figueroa Street in the Harbor Gateway neighborhood in South Los Angeles ("Property"). The captioned defendants ("Defendants") own and/or operate the Property.

2. The Property is one of - if not *the* - most active and symbolically significant hangouts for an active, violent criminal street gang in South Los Angeles called the Athens Park Bloods ("APB"). APB gang members and their associates, both those who live at the

1 Property and those who do not, congregate at the Property constantly, often in conspicuously
2 large groups of 15 to 20 individuals. They drink, smoke marijuana, party, play loud music,
3 throw up gang hand signs and challenge people on and around the Property regarding gang
4 membership.

5 3. As is so often the case with street gangs in Los Angeles, this dynamic of social
6 cohesion and power projection at a gang hangout, involves guns. Accordingly, since at least
7 2001 and up to the present, the Los Angeles Police Department ("LAPD") has regularly and
8 dutifully responded to the Property for recurring incidents involving people being shot there,
9 gang members running into and throughout the Property with guns shoved in their waistbands,
10 and gang members brandishing guns while robbing people on the premises.

11 4. APB gang members are astonishingly brazen in their territorial claim on the
12 Property. They film YouTube "gangsta" rap videos on its front steps and in its parking lot, in
13 which they openly brandish guns for the camera, with the Property prominently featured in the
14 background. When LAPD officers proactively contact non-resident gang members on the
15 premises to try to keep a lid on the dynamic -- including as recently as just days before the
16 filing of this Complaint -- and the officers inform the gang members that they must leave
17 because they are trespassing, the gang members tell the officers defiantly that "this [the
18 Property] is Westside Athens," referring to the gang, and "we'll hang out wherever the fuck we
19 want." This state of affairs is unacceptable for a private property owned and operated by
20 sophisticated commercial actors, such as Defendants, in the City of Los Angeles in 2017. A
21 variety of management best practices and physical improvements -- gating and fencing,
22 lighting, video monitoring, armed security, professional property management with effective
23 onsite presence, among others -- can all be concertedly employed at locations like the
24 Property to remedy problems like these.

25 5. In the absence of such measures, gang members have physically assaulted the
26 police at the Property. Groups of residents and their guests have become hostile to the LAPD
27 when officers have had to respond to the Property. In January 2017, when two gang members
28 were shot in the courtyard of the Property, the shooting victims were menacingly hostile to the

1 responding authorities. One of the gang members who was shot in this very recent incident
2 has been getting himself arrested, assaulting police officers and causing other trouble at the
3 Property since 1999. Indeed, in 2008, this particular gang member was shot 6 times while
4 standing just in front of the Property, by an assailant who had just ominously asked him,
5 "Where you from, cuz?"

6 6. Because of the frequency and intensity of the gang presence at the Property,
7 LAPD officers feel compelled to, and do, visit the Property on every one of their available
8 shifts. The problem, however, has metastasized into something that LAPD cannot proverbially
9 "arrest their way out of," no matter how many scarce public law enforcement resources they
10 devote to it.

11 7. The problem may have started before the Defendants acquired and began
12 managing the property almost three years ago, but it has been allowed by them to continue
13 unabated since then. The perimeter entry doors to the Property, for example, are almost
14 always unlocked and open to ingress and egress by all manner of troublemakers seeking to
15 use the Property for their mischief. The property is posted with a few signs saying, "Smile,
16 You're On Camera," but, alas, the Property, mockingly, has no actual cameras. Robust onsite
17 management presence at the Property is effectively non-existent.

18 8. The intent of this nuisance abatement prosecution is to induce the requisite level
19 of commitment by Defendants to manage and equip the Property so as to address the
20 significant but surmountable public safety challenges there. If necessary, Plaintiff will seek to
21 have Defendant Mehrdad Elahi Khansari reside at the Property until the nuisance is abated.
22 Plaintiff, working in collaboration with LAPD and other partners, has secured such outcomes
23 repeatedly in similar past cases, to the enduring benefit of not only law-abiding residents and
24 neighbors of the affected properties, but to the defendant-owners, as well. Plaintiff seeks,
25 through this prosecution, to achieve the same result at the property complained of herein.

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1 Angeles neighborhood called Harbor Gateway.¹ It has three stories of living space,
2 surrounding a large interior courtyard, with two pedestrian entrances from the street on the
3 east and south sides of the building, and a driveway and parking lot that wrap around the west
4 and north sides of the Property.

5 III. THE PUBLIC NUISANCE LAW

6 14. Civil Code section 3479 defines a public nuisance as “[a]nything which is
7 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
8 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
9 interfere with the comfortable enjoyment of life or property” (See *City of Bakersfield v.*
10 *Miller* (1966) 64 Cal.2d 93, 99 [“The Legislature has defined in general terms the word
11 ‘nuisance’ in Civil Code section 3479”].)

12 15. Civil Code section 3480 defines a public nuisance as “one which affects at the
13 same time an entire community or neighborhood, or any considerable number of persons,
14 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

15 16. The case law is “replete with examples” of the “threat violent street gangs ...
16 pose to the safety of peaceful Californians.” (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205,
17 1216.) In a case involving gang-related gunfire similar to what is occurring at the Property
18 here, the California Supreme Court explicitly recognized that “[s]treet gang activity can often
19 subject” innocent bystanders “to unacceptable levels of risk.” (*Id.*) In *Medina v. Hillshore*
20 *Partners* (1995) 40 Cal.App.4th 477, 486, involving a wrongful death claim by the mother of a
21 young man shot by gang members at an apartment complex, the Court said, “We agree that
22 the congregation of gangs poses a foreseeable risk of harm to the public.” In particular, the
23 whole spectrum of typical street gang conduct, ranging from loitering, to public drinking and
24 boisterousness, to drug dealing, to gunfire, has been held to “easily meet the statutory
25 standard” for a public nuisance under Civil Code section 3479. (*People ex rel. Gallo v. Acuna*

26
27 ¹ The Property's legal description is: “Lots 19, 20 and 21 of Block 18 of Athens, in the City of Los
28 Angeles, County of Los Angeles, State of California, as per Map recorded in Book 8, Pages 146 and
147 of Maps, in the office of the County Recorder of said County,” Assessor's Parcel Number 6132-
001-012.

1 (1997) 14 Cal.4th 1090, 1120.)

2 17. Civil Code section 3491 provides for the methods by which public nuisances
3 such as those alleged herein may be abated. Civil Code section 3491 states that the
4 "remedies against a public nuisance are indictment or information, a civil action or abatement."
5 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
6 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

7 18. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
8 to enjoin or abate a public nuisance. It provides, in relevant part, that "[a] civil action may be
9 brought in the name of the people of the State of California to abate a public nuisance . . . by
10 the city attorney of any town or city in which such nuisance exists."

11 19. "[S]trict liability for nuisance historically attends the possession and control of
12 land." (*Leslie Salt Co. v. San Francisco Bay Conservation and Development Commission*
13 (1984) 153 Cal.App.3d 605, 618 n. 15 & 619). "It is immaterial whether the acts" of the
14 persons sought to be held liable for a nuisance "be considered willful or negligent; the essential
15 fact is that, whatever be the cause, the result is a nuisance." (*Snow v. Marian Realty*
16 *Company* (1931) 212 Cal. 622, 625-26; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
17 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
18 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
19 nuisance was conducted and maintained on the premises in question, regardless of the
20 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
21 unnecessary."].) This strict standard applies because "the object of the act is not to punish; its
22 purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.* (1920)
23 48 Cal.App. 257, 261.)

24 IV. UNFAIR COMPETITION LAW

25 20. The practices forbidden by the state Unfair Competition Law at Business and
26 Professions Code section 17200 *et seq.* ("UCL") are any business practices forbidden by law,
27 be it criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
28 Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them as

1 unlawful practices independently actionable under section 17200 et seq.” (*South Bay*
2 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
3 citations and quotation marks omitted).)

4 21. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes anything that
5 can properly be called a business practice and that at the same time is forbidden by law.”
6 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of a large rental
7 apartment complex, such as the Property, by sophisticated nonresident owners doing so for
8 the purposes of profit, is, axiomatically, a business under the UCL. (See *People ex. rel. City of*
9 *Santa Monica v. Gabriel* (2010) 186 Cal.App.4th 882, 888 [“The renting of residential housing
10 is a business.”].) Thus, when a property owner conducts, maintains or permits a nuisance that
11 is unlawful under the PNL to exist on the premises of such a property, it is a violation of the
12 UCL.

13 22. Moreover, the UCL casts a broad net. “Any person performing or proposing to
14 perform an act of unfair competition may be enjoined . . .” (Bus. & Prof. Code, § 17203;
15 emphasis added.) The term person includes “natural persons, corporations, firms,
16 partnerships, joint stock companies, associations and other organizations of persons.” (Bus. &
17 Prof. Code, § 17201.) The courts have expanded section 17200’s net beyond direct liability to
18 include common law doctrines of secondary liability where the liability of each defendant is
19 predicated on his or her personal participation in the unlawful practices. (*People v. Toomey*
20 (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int’l Service Ass’n* (2002) 95 Cal.App.4th 952,
21 960.)

22 23. Civil actions under the UCL may be brought in the name of the People of the
23 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
24 & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to
25 section 17200 based on violations of its own municipal code, state law, or other local
26 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

27 24. Defendants engaging in violations of the UCL may be enjoined in any court of
28 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or

1 judgments, including appointment of a receiver, as may be necessary to prevent the use or
2 employment by any person of any practice constituting unfair competition. (*Id.*)

3 **V. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

4 **[Civil Code Section 3479, *et seq.* --**

5 **Against Defendants and DOES 1 through 50]**

6 25. Plaintiff incorporates by reference Paragraphs 1 through 24 of this Complaint and
7 makes them part of this First Cause of Action as though fully set forth herein.

8 26. Since Defendants' ownership and management of the Property commenced in
9 2014, the Property has been owned, operated, and/or used by Defendants, directly or
10 indirectly, in such a manner as to constitute a public nuisance in violation of Civil Code
11 sections 3479 and 3480. The public nuisance, as described herein, is injurious to health,
12 indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to
13 substantially and unreasonably interfere with the comfortable enjoyment of life or property by
14 those persons living in the community surrounding the Property. The public nuisance consists
15 of, but is not limited to, the regular, menacing, intimidating, violent and disorderly presence of
16 resident and non-resident gang members and/or associates at the Property; the occurrence of
17 gunfire, the illegal presence of firearms and ammunition, and illegally armed individuals on the
18 Property; and the tendency of the Property to attract gunfire and other menacing and
19 dangerous conduct from rival gangs *because of* the historical and current presence of APB
20 gang members and associates at the Property. These conditions have been present at the
21 Property since at least 1999, throughout Defendants' tenure at the Property since 2014, and
22 up to the present.

23 27. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
24 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
25 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
26 persons in the area surrounding the Property.

27 28. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
28 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,

1 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
2 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
3 and irreparable damage of Plaintiff and in violation of California law.

4 **VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

5 **[Business and Professions Code Section 17200, *et seq.* --**

6 **Against Defendants and DOES 1 through 50]**

7 29. Plaintiff hereby incorporates by reference paragraphs 1 through 28 of this
8 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

9 30. Ownership and operation of the Property is a business. When the owner and/or
10 manager of such a business violates the PNL such that a nuisance exists and flourishes at the
11 business' premises, as alleged herein, it is also a violation of the UCL.

12 31. Defendants and DOES 1-50 have violated the UCL by conducting, maintaining
13 and/or permitting, directly or indirectly, a nuisance in violation of the PNL at the Property, as
14 alleged herein.

15 32. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50
16 are restrained by this Court they will continue to commit unlawful business practices or acts,
17 thereby causing irreparable injury and harm to the public's welfare.

18
19 **PRAYER**

20 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
21 **DECREE AS FOLLOWS:**

22 **AS TO THE FIRST CAUSE OF ACTION**

23 1. That the Property, together with the fixtures and moveable property therein and
24 thereon, be declared a public nuisance and be permanently abated as such in accordance with
25 Civil Code section 3491.

26 2. That each Defendant and their agents, officers, employees and anyone acting on
27 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
28 operating, conducting, using, occupying, or in any way permitting, directly or indirectly, the use

1 of the Property as a public nuisance. Such orders should include, but not be limited to physical
2 and managerial improvements to the Property, stayaway/keepaway orders for any persons
3 who have contributed to the nuisance at the Property, a requirement that Defendant Khansari
4 reside at the Property until the nuisance is abated, and such other orders as are appropriate to
5 remedy the nuisance on the Property and enhance the abatement process.

6 3. That Plaintiff be granted such other and further relief as the Court deems just and
7 proper, including closure and/or demolition of the Property.

8 AS TO THE SECOND CAUSE OF ACTION

9 1. That Defendants be declared in violation of Business and Professions Code
10 section 17200.

11 2. That Defendants, as well as their agents, heirs, successors, and anyone acting
12 on their behalf, be permanently enjoined from maintaining, operating, or permitting any
13 unlawful or unfair business acts or practices in relation to the Property in violation of Business
14 and Professions Code section 17200.

15 3. That the Court grant a preliminary and/or permanent injunction prohibiting
16 Defendants, as well as their agents, heirs, successors, and anyone acting on their behalf, from
17 engaging in the unlawful or unfair acts and/or practices described herein at the Property and in
18 the City of Los Angeles. Such orders should include physical and managerial improvements to
19 the Property.

20 4. That, pursuant to Business and Professions Code section 17206, each
21 Defendant be assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for
22 each and every act of unfair competition.

23 5. That, pursuant to the Court's equitable power and Business and Professions
24 Code section 17203, the Court make such orders or judgments, including appointment of a
25 receiver, to eliminate the unfair competition alleged herein.

26 AS TO ALL CAUSES OF ACTION

27 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
28 the service of process or notices which would have been paid but for Government Code

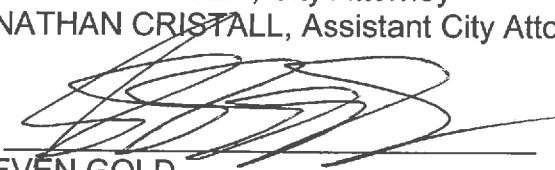
1 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
2 amount of the fees for certifying and preparing transcripts.

3 2. That Plaintiff be granted such other and further relief as the Court deems just and
4 proper.

5
6 DATED: April 19, 2017

Respectfully submitted,

7 MICHAEL N. FEUER, City Attorney
8 JONATHAN CRISTALL, Assistant City Attorney

9
10 By: 
11 STEVEN GOLD
12 Deputy City Attorney
13 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
14 OF CALIFORNIA
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